

PLANNING MANAGEMENT COMMITTEE

Date: 11 April 2018

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.00pm

Present: Councillors: Phillip Stearn Chairman
Gill Mercer Vice Chairman

Richard Gell Ron Pinnock
Roger Glithero JP Roger Powell
Marika Hillson Anna Sauntson
Helen Howell Geoff Shacklock
Barbara Jenney Robin Underwood
Andy Mercer Pam Whiting
Harriet Pentland

Councillor Harriet Pentland attended the meeting to observe proceedings. She did not take part in any of the discussions or vote on any proposals.

472. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Alex Smith.

473. MINUTES

The minutes of the meeting held on 14 March 2018 were approved and signed by the Chairman.

474. DECLARATIONS OF INTEREST AND INFORMAL SITE VISITS

(a) Declarations of Interest

Councillor	Application	Nature of Interest	DPI	Other Interest
Marika Hillson	17/02559/FUL Land Adjacent Skew Bridge Ski Slope, Rushden Lakes, Rushden	Has a client who may move there in the future		Yes (left meeting)
Barbara Jenney	17/02559/FUL Land Adjacent Skew Bridge Ski Slope, Rushden Lakes, Rushden	The Mayor of Rushden's Charity Account had received sponsorship for a mayoral function in February 2018		Yes (left meeting)
Andy Mercer	18/00349/NCC Works at Upper	Was currently Vice Chairman of the NCC		Yes (left meeting)

	Higham Lane, Rushden	Development Management Committee but would not be from the next meeting of that Committee		
Roger Powell	16/01431/OUT Nene Business Park, Diamond Way, Irthlingborough	Had attended a pre-application meeting.		Yes

(b) Informal Site Visits

No informal site visits were declared.

475. QUESTIONS FROM MEMBERS UNDER COUNCIL PROCEDURE RULE 10.3

No questions were submitted under Procedure Rule 10.3.

476. SECTION 106 AGREEMENTS AND DELEGATIONS TO HEAD OF PLANNING SERVICES – UPDATE

The Committee received a report which provided an update on the progress of drafting S106 Agreements in respect of matters where the Committee had previously resolved to grant planning permission and on the applications where actions had been delegated to the Head of Planning Services.

The Committee noted that there were no extensions being sought for Section 106 Agreements. It was also noted that the wording of the conditions for application 15/00119/VAR Priors Hall were now in progress, the wording of refusal for application 17/02142/REM Land between Oakleas Rise and A14 Thrapston had now been agreed and issued. It was further noted that an update report on application 17/02559/FUL Rushden Lakes would be considered later in the meeting.

RESOLVED:

That the report be noted.

477. PUBLIC SPEAKERS

The following people spoke on the items as indicated:

- **Mr D Bainbridge** – 16/01431/OUT – Nene Business Park, Diamond Way, Irthlingborough (Agent for the Applicant)
- **Mr M Sherwood** - 17/02559/FUL – Land Adjacent Skew Bridge Ski Slope, Rushden Lakes, Rushden (Agent for the Applicant)
- **Cllr D Maxwell** - 17/02559/FUL – Land Adjacent Skew Bridge Ski Slope, Rushden Lakes, Rushden (Ward Member)
- **Mr M Izzard** - 18/03349/NCC – Works at Upper Higham Lane, Rushden (Objector)

478. PLANNING APPLICATIONS

The Committee considered the planning applications report and representations made by public speakers at the meeting. It was noted that there was additional information on the applications included in the update sheet.

(i) 16/01431/OUT – Nene Business Park, Diamond Way, Irthlingborough

The Committee considered an outline planning application for up to 100 residential dwellings including vehicular access. The application had been brought before the Committee in accordance with the Scheme of Delegation. When the application had first been submitted in 2016, it had also included proposals for a care home; however that element of the proposal had now been omitted.

Members noted that both Irthlingborough Town Council and the Local Highways Authority had no objections to the application. Members also noted that various concerns had been raised by a number of nearby residents, including the impact that the development would have on highway safety; strain on local services; risk of flooding and the visual impact.

Members further noted that Northamptonshire County Council had requested S106 contributions towards primary and secondary education, libraries and a condition to secure fire hydrants. The NHS had also been asked to confirm that they still required a contribution towards health provision.

During debate on the application, Members raised concerns that an archaeological survey would not be undertaken due to the site's proximity to an historic monument and suggested that a condition be added that a survey should be undertaken before commencement. There were also concerns at the proposed proportion of affordable housing considering that the Council's policy was for 30%. The split of the site between open space and developable land was also raised by Members, however those issues were not being considered in this outline application. The inclusion of a Construction Management Plan condition was also proposed.

In response, the Planning Officer requested that Councillor Hillson submit the evidence she had about the archaeology and he would submit it to the County Archaeologist for them to consider and if it was felt necessary a condition could be added. With regards to affordable housing, it was noted that both the Joint Core Strategy and the NPPF allowed for viability to be considered in regard to affordable housing, so the application was not contrary to policy.

It was moved and seconded that the application be granted. On being put to the vote, there were 12 votes for the motion, one against and no abstentions, therefore the Committee **agreed to grant** the application subject to the completion of a S106 legal agreement and:

- (i) Changes to and additional conditions as detailed in the report and update sheet;
- (ii) An additional Construction Management Plan condition, to replace conditions 8 and 9, and to include mud on the road;
- (iii) Additional archaeological evidence being submitted by Councillor Hillson to ENC officers and reviewed by NCC and Historic England. If the consultees consider it appropriate, an archaeological investigation condition should be imposed; and
- (iv) The parameters of open space being stipulated in the S106.

The wording of these points is delegated to the Planning Development Manager, in consultation with the Chairman, Vice Chairman and Ward Member.

Councillors Marika Hillson and Barbara Jenney left the meeting for the following item.

(ii) 17/02559/FUL – Land Adjacent to Skew Bridge Ski Slope, Rushden Lakes, Rushden

At the Planning Management Committee meeting held on 14 March 2018, the Committee resolved to grant permission for the application subject to the following:

1. A revised site plan showing an additional 15 staff parking spaces on land to the rear of the service yard (amendment to condition 2).
2. An amendment to Condition 7 to omit Kettering and add Higham Ferrers and Irthlingborough to the 'no poach' restriction.
3. Agreement on the final wording of the BREEAM condition(s).

These points were delegated to the Planning Development Manager in consultation with the Chairman, Vice Chairman and Ward Member.

Since the last meeting, the applicant had requested that Members give further consideration to the wording of condition 7 (the 'no-poach' condition) in respect of tenancy terms, in addition to the agreed amendments from the last meeting. There had been further dialogue with the applicant and officers were now of the view that there could be some merit in revisiting the tenancy-related wording. Revised plans had also been received for condition 2 which showed an additional 18 staff car parking spaces following Members original agreement for 15 additional spaces.

In light of the further dialogue with the applicant, officers now proposed a revised recommendation, which was to grant permission subject to:

1. A revised site plan showing a minimum of an additional 15 staff parking spaces on land to the rear of the service yard (to be captured in an amendment to condition 2).
2. An amendment to Condition 7 to omit Kettering and add Higham Ferrers and Irthlingborough to the 'no poach' restriction, and to revisit the wording with regard to tenancy terms.
3. Agreement on the final wording of the BREEAM condition(s).

Since the last meeting, the applicant had proposed alternative wording relating to lease terms. Officers had considered this proposed wording and remained sceptical that the applicant's proposed wording should be accepted.

During debate on the item, Members again raised concerns at the number of staff parking spaces available at the site. Members also sought clarification from the Legal Officer as to whether the wording of the current 'No-poach' condition could be deemed unreasonable at appeal. In response the Legal Officer confirmed that the condition was not unreasonable. The Legal Officer advised that if Members were minded to agree revisiting the tenancy terms, being whether a tenant could stay at Rushden Lakes if their town centre lease expired before a period of five years, careful consideration should be given to the wording as there could be a risk to nearby town centre provision where a tenancy had only a very short period remaining.

It was moved and seconded that the application be granted, subject to:

1. A revised site plan showing a minimum of an additional 15 staff parking spaces on land to the rear of the service yard (to be captured in an amendment to condition 2).

2. An amendment to Condition 7 to omit Kettering and add Higham Ferrers and Irthlingborough to the 'no poach' restriction, and to revisit the wording with regard to tenancy terms.
3. Agreement on the final wording of the BREEAM condition(s).

On being put to the vote, the Committee **agreed to grant** the application, subject to the conditions detailed in the officer's report and update sheet, subject to legal input into the final wording of condition 7.

The final wording of condition 7 is delegated to the Planning Development Manager in consultation with the Chairman, Vice Chairman and Ward Member.

Councillors Marika Hillson and Barbara Jenney returned to the meeting.

Councillor Andy Mercer left the meeting for the following item.

(iii) 18/0349/NCC – Works at Upper Higham Lane, Rushden

The Committee considered an application for the construction of a plastic recycling and recovery facility. The application had been brought before the Committee as it related to a major waste development within the district. The application would be determined by Northamptonshire County Council as the Waste Planning Authority and East Northamptonshire Council had been consulted as a neighbouring authority.

The process at the site would involve the conversion of waste plastic by pyrolysis into diesel, petrol and liquid petroleum gas. In physical terms, this would involve the construction of new buildings and plant and the laying of a new concrete hardstanding.

Members noted that whilst Chelveston Parish Council did not object to the application, they had requested a number of conditions around landscaping, water run-off and drainage discharge, traffic and vehicle movements.

During debate on the item, Members expressed very strong concerns at the environmental impacts of the application, particularly the dispersal of the output and the impact on nearby residents. It was suggested that NCC be advised that an analysis of similar sites should be undertaken. Pressure also needed to be put on the Environment Agency in relation to the permit to operate. Members also requested that NCC be asked if any residual waste would be left on the site at any time.

RESOLVED:

That Northamptonshire County Council be informed that East Northamptonshire Council strongly objects to the application on environmental grounds.

The detailed wording of the objection is delegated to the Planning Development Manager, in consultation with the Chairman, Vice Chairman and Ward Member.

Chairman